

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NEW CINGULAR WIRELESS PCS, LLC,)	
d/b/a AT&T MOBILITY,)	
)	
Plaintiff,)	No. 4:21-cv-03032
)	
vs.)	
)	
)	
THE VILLAGE OF)	
PALMYRA, NEBRASKA)	
)	
Defendant.)	
)	

AGREED ORDER AND JUDGMENT

Plaintiff New Cingular Wireless PCS, LLC (“AT&T”) filed this action against Defendant the Village of Palmyra, Nebraska (“Village of Palmyra”). AT&T alleges that the Board of Trustees of Palmyra (“Board”) impermissibly denied AT&T’s Application For Conditional Use Permit - Tower Development Permit (filed with Palmyra on April 16, 2020) (“Application”) for a wireless communications facility siting request at 915 F Road, Palmyra, Nebraska.

The parties have agreed to settle this action, per the attached Settlement Agreement, and on their joint motion, it is hereby Ordered, ADJUDGED AND DECREED as follows:

FINDINGS

1. The Court has jurisdiction over the subject matter and the parties pursuant to [28 U.S.C. § 1331](#) because this action presents a federal question pursuant to Section 332(c)(7)(B)(v) of the Telecommunications Act.


2. Venue is proper in the District of Nebraska.

ORDER

1. The Village of Palmyra shall issue a Tower Development Permit in relation to AT&T's Application within one (1) week of the date of this Order.
2. The Village of Palmyra shall take all actions and execute all documents, including building permits, as may be reasonably necessary to carry out the terms of the Settlement Agreement and this Order.
3. The parties shall each bear its own costs and attorney fees.
4. The Court shall retain jurisdiction of this action after the entry of this Agreed Order and Judgment to the extent necessary to enforce compliance with it and the terms of the Settlement Agreement, which terms are incorporated herein, and to take any action necessary or appropriate for its interpretation, modification, or enforcement.

AGREED:

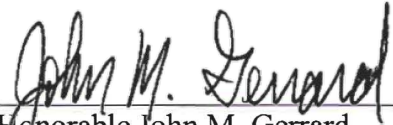
NEW CINGULAR WIRELESS PCS, LLC

By: 
Its attorney

THE VILLAGE OF PALMYRA, NEBRASKA

By: 
Its attorney

SO ORDERED this 2nd day of April, 2021.


Honorable John M. Gerrard
United States District Judge